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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,383	06/01/2001	Hendrikus Kerkdijk	01304/LH	4727

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER

WORJLOH, JALATEE

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 09/857,383	<b>Applicant(s)</b> KERKDIJK, HENDRIKUS	
	<b>Examiner</b> Jalatee Worjloh	<b>Art Unit</b> 3621	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☒ Other: \_\_\_\_\_.

  
 Primary Examiner  
 Au 3621

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Rosen "does not state that the agent would be remote from a customer station (which it represents). However, the examiner respectfully disagrees. Notice, Rosen discloses "a remote customer agent", particularly, Rosen teaches a trusted agent, which allows entities to transact remotely (see col. 4, lines 25-32). Also, figures 5 and 6A clearly shows that the agent is remote from the customer station. In figure 5, the customer transaction device (188) is not directed connected to the trusted server (200), which includes the customer trusted agent (see fig. 6A), but it interacts with the agent via the gateway network, which implies remote communication.

Additionally, Applicant argues that Rosen does not disclose "transmission of agent parameters from a customer station to a remote customer agent for controlling representation for the customer station in a negotiation process. Instead, Rosen teaches the customer agent resides in the customer station." In response the Examiner directs Applicant to figure 12A, in which illustrates the customer sending parameters. That is, steps 398-404 shows the process where the customer device sends MS identity of merchandise to purchase to the agent, the Examiner interprets the MS identity of merchandise as parameters. As for the comment where Applicant notes that Rosen's customer agent resides in the customer station see the response above.

Applicant notes that the examiner interprets the payment server as the money module of Rosen and that the money module is part of the customer transaction device. The examiner is unclear what applicant is arguing. If the payment server is intended to be remote, the claim does not precisely exhibits this.

Further, Applicant argues that Hall does not teach arranging the remote customer agent to represent the customer station, under control of agent parameters from the customer station, the claimed negotiation process including selecting products to be presented by the merchant server. However, the Examiner respectfully disagrees, Hall et al. disclose the negotiation process includes selecting products to be represented by the merchant server (see col. 4, lines 6-10). Hall et al. in combination with Rosen therefore teach the step of arranging the remote customer agent to represent the customer station, under control of agent parameters from the customer station, the claimed negotiation process including selecting products to be presented by the merchant server.

Other comments:

Claim 1 does not distinguish the claim body from the preamble.

Please remove the intended use lanaguages "enabled to" and "fit for" in claims 1 and 8.

Also, as previously noted, claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all the limitations of the base claim and any intervening claims.